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REMARKS

Claims 1-10 and 13-21 have been rejected, and claims 15 and 16 have been objected to. Claim 11 has been objected to as being dependent upon a rejected base claim but is indicated to be allowable if rewritten in independent form including all the limitations of the base claim. Claim 12 also has been objected to but is indicated as allowable if claim 11 is rewritten as detailed above. Withdrawn claims 22-31 have been canceled. Claims 1, 11, 15, 16 and 19 have been amended and claim 10 has been canceled solely to further the prosecution of this application. New claims 32-35 have been added. Reconsideration of all outstanding rejections and objections and allowance of all pending claims is requested.

Applicant hereby confirms the earlier provisional election of the continued prosecution of the Group I claims.

Claims 15 and 16 have been objected to as lacking sufficient antecedent basis in the claims for "the conductor material". Claims 15 and 16 have been amended to provide sufficient antecedent basis. Reconsideration and allowance of these claims is requested.

Claims 1-3, 5-7, 9 and 16 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Application Publication No. 2003/0147452 (hereinafter "Adachi").

Adachi is related to an assembly that includes a thermistor element, a positioning device, and an insulating material. Claim 1 recites a thermistor probe assembly that includes, among other features, "a moisture proof shield disposed to cover the thermistor element and the positioning device, wherein the moisture proof shield comprises a surface energy enhancing material". Claims 2, 3, 5-7, 9 and 16 depend from claim 1.

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Adachi fails to teach or suggest "a moisture proof shield disposed to cover the thermistor element and the positioning device, wherein the moisture proof shield comprises a surface energy enhancing material" as recited in claim 1, and thus that claim and its dependent claims cannot be anticipated by Adachi.

Claims 1, 5, 6 and 19-21 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,338,571 (hereinafter "Chen").

Chen relates to an assembly including a thermistor element, a positioning device, and a moisture-proof shield. Chen further discloses the use of three internally directed lobes in its positioning device.

Claim 19 has been amended and now recites a positioning device that includes, among other features, "at least three externally directed self-centering lobes adapted to position the thermistor element within the thermistor probe assembly". Claims 20 and 21 depend from claim 19. The amendment to claim 1 adds no new matter and is supported by the specification as originally filed. See, for example, FIGS. 2-5.

Chen fails to teach or suggest "a moisture proof shield disposed to cover the thermistor element and the positioning device, wherein the moisture proof shield comprises a surface energy enhancing material" as recited in claim 1. Further, Chen fails to teach or suggest "at least three externally directed self-centering lobes adapted to position the thermistor element within the thermistor probe assembly" as recited in claim 19. Chen's self-centering lobes are internally directed and are useful for positioning the thermistor element within the positioning device. Chen's self-centering lobes do not, however, have any useful purpose in positioning the positioning device within the thermistor probe assembly as recited in claim 19, and thus do not sufficiently serve to position the thermistor element within the thermistor probe assembly.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Adachi in view of U.S. Patent Application Publication No. 2003/0058920 (hereinafter "Lyle"). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Adachi in view of U.S. Patent No. 4,548,780 (hereinafter "Krohn"). Claims 7, 9, 13, 14,

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16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of U.S. Patent No. 6,305,841 (hereinafter "Fukaya"). Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of U.S. Patent Application Publication No. 2002/0071475 (hereinafter "Betzner"). Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of U.S. Patent Application Publication No. 2002/0131477 (hereinafter "Kurano").

Claims 4, 7-9 and 13-18 depend from claim 1. As described above, neither of the primary references Adachi or Chen, either alone or in combination, teach or suggest "a moisture proof shield disposed to cover the thermistor element and the positioning device, wherein the moisture proof shield comprises a surface energy enhancing material" as recited in claim 1.

Lyle is relied upon in the Office action as disclosing a thermistor probe assembly with a thermistor and lead wires encased in a resin made of polybutylene terephthalate. Krohn is relied upon in the Office action as disclosing a thermostatic probe assembly having conductor material made of brass. Fukaya is relied upon in the Office action as disclosing a thermistor probe assembly that has a molding material that is compatible with the insulating material, the conductor material is welded to the lead wires, and the lead wires include steel. Betzner is relied upon in the Office action as disclosing the soldering of lead wires of a thermistor of a probe assembly to a conductor material. Kurano is relied upon in the Office action as disclosing a thermistor probe assembly having lead wires made of copper.

Applicant submits that Lyle, Krohn, Fukaya, Betzner, and Kurano fail to add any substantive teaching or suggestion to either Adachi or Chen regarding "a moisture proof shield disposed to cover the thermistor element and the positioning device, wherein the moisture proof shield comprises a surface energy enhancing material" as recited in claim 1.

No new material has been added through the addition of new claims 32-35, and the subject matter recited therein is completely supported by the specification as originally filed. See, for example, FIGS. 2-5. Claims 32 and 33 depend upon claim 1.

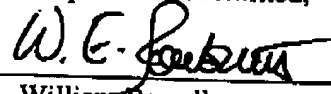
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Independent claim 34 recites features from claim 19 and adds the recitation of the relief groove being adapted to position the thermistor element within the cavity. The cited prior art does not teach or suggest such an arrangement. Claim 35 depends upon claim 34.

In view of the remarks and amendments set forth above, applicant respectfully requests allowance of the pending claims. If the Examiner has any questions regarding the present patent application, the Examiner can call Applicant's attorney, William Powell, at telephone number (518)-387-4530.

Respectfully submitted,



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Schenectady, New York
Dated: August 8, 2005